

Amendments to the Specification

Please replace the paragraph at page 10, beginning at line 10, under the heading SUMMARY OF THE INVENTION with the following:

According to the invention, there is provided a hybrid maize plant, and its parts designated as 38B85, produced by crossing two Pioneer Hi-Bred International, Inc. proprietary inbred maize lines GE02792138 and GE2161530. These lines, deposited with the American Type Culture Collection, (ATCC), Manassas, Virginia 20110, have Accession Number [[_____]] PTA-6385 for GE02792138 and Accession Number [[_____]] PTA-6394 for GE2161530. This invention thus relates to the hybrid seed 38B85, the hybrid plant and its parts produced from the seed, and variants, mutants and trivial modifications of hybrid maize 38B85. This invention also relates to methods for producing a maize plant containing in its genetic material one or more transgenes and to the transgenic maize plants and their parts produced by those methods. This invention further relates to methods for producing maize lines derived from hybrid maize 38B85 and to the maize lines derived by the use of those methods. This hybrid maize plant is characterized by high yield and above average test weight.

Please replace the paragraph at page 67, beginning at line 3, under the heading DEPOSITS with the following:

Applicant has made a deposit of at least 2500 seeds of hybrid maize 38B85 with the American Type Culture Collection (ATCC), Manassas, VA 20110 USA, ATCC Deposit No. [[_____]] PTA-6422. The seeds deposited with the ATCC on [[_____]] December 6, 2004 were taken from the deposit maintained by Pioneer Hi-Bred International, Inc., 800 Capital Square, 400 Locust Street, Des Moines, Iowa 50309-2340 since prior to the filing date of this application. Access to this deposit will be available during the pendency of the application to the Commissioner of Patents and Trademarks and persons determined by the Commissioner to be entitled thereto upon request. Upon allowance of any claims in the application, the Applicant will make available to the public, pursuant to 37 C.F.R. § 1.808, sample(s) of the deposit of at least 2500 seeds of hybrid maize 38B85 with the American Type Culture Collection (ATCC), 10801 University Boulevard, Manassas, VA 20110-2209. This deposit of seed of hybrid maize 38B85 will be maintained in the ATCC depository, which is a public depository, for a period of

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30 years, or 5 years after the most recent request, or for the enforceable life of the patent, whichever is longer, and will be replaced if it becomes nonviable during that period. Additionally, Applicant has satisfied all the requirements of 37 C.F.R. §§1.801 - 1.809, including providing an indication of the viability of the sample upon deposit. Applicant has no authority to waive any restrictions imposed by law on the transfer of biological material or its transportation in commerce. Applicant does not waive any infringement of their rights granted under this patent or under the Plant Variety Protection Act (7 USC 2321 et seq.). U.S. Plant Variety Protection of Hybrid Maize 38B85 has been applied for under Application No. _____.